

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

UNITED STATES OF AMERICA,

Plaintiff,

v.

MIGUEL REYES GARCIA (21),

Defendant.

No. 4:15-CR-06049-EFS-21

**ORDER GRANTING DEFENDANT'S THIRD
MOTION FOR AN EXTENSION OF TIME
TO FILE EXPERT WITNESS LIST AND
CONTINUE DAUBERT HEARING**

Before the Court, without oral argument, are Defendant Miguel Reyes Garcia's Motion for an Extension of Time to File Expert Witness List and Motion to Continue Daubert Hearing, ECF No. 497, and related Motion to Expedite, ECF No. 498. In two separate motions, Defendant previously requested that the deadline for expert disclosures related to his fingerprint expert be extended from July 21, 2017, to August 18, 2017. ECF Nos. 476 & 489. The Court granted Defendant's extension requests. ECF Nos. 481 & 493. Defendant now requests an additional extension of the deadline to disclose expert witness materials to September 8, 2017, because the Government did not provide the fingerprint evidence to Defendant with sufficient time for Defendant's expert to analyze the evidence prior to the August 18, 2017 disclosure deadline. This extension would make it impossible to consider any related *Daubert* motions at the August 29, 2017 pretrial conferences,

1 when all *Daubert* motions are scheduled to be heard. Accordingly,
2 Defendant also requests that any *Daubert* motion related to his
3 fingerprint expert be heard at the October 10, 2017 pretrial
4 conference. Defendant represents that the Government has no objection
5 to these requests.

6 Based on Defendant's explanation, the Court finds good cause to
7 grant Defendant's Motion. Accordingly, **as to Defendant Miguel Reyes**
8 **Garcia's fingerprint expert only**, the Court imposes a Rule 16
9 disclosure deadline of Friday, September 8, 2017. Expert reports for
10 any Government rebuttal expert regarding Mr. Reyes Garcia's
11 fingerprint expert must be submitted by no later than Friday,
12 September 15, 2017. Any *Daubert* motions related to Mr. Reyes Garcia's
13 fingerprint expert or any Government rebuttal expert to Mr. Reyes
14 Garcia's expert must be filed by no later than Monday, September 18,
15 2017. Any responses or replies to any *Daubert* motions shall be filed
16 according to the standard briefing schedule under Local Rule 7.1. The
17 Court will consider any *Daubert* motion related to Mr. Reyes Garcia's
18 fingerprint expert or any Government rebuttal expert to Mr. Reyes
19 Garcia's expert at the October 10, 2017 pretrial conference. All
20 counsel are expected to carefully read and abide by this Order and
21 such provisions of the prior Case Management Orders that have not been
22 superseded hereby. The Court will grant relief from the requirements
23 in this Order only upon motion and good cause shown.

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Accordingly, **IT IS HEREBY ORDERED:**

1. Defendant Miguel Reyes Garcia's Motion to Expedite, **ECF No. 498**, is **GRANTED**.
2. Defendant Miguel Reyes Garcia's Motion for an Extension of Time to File Expert Witness List and Motion to Continue Daubert Hearing, **ECF No. 497**, is **GRANTED**.
3. The deadline for expert disclosures **as to Defendant Miguel Reyes Garcia's fingerprint expert** is extended to **Friday, September 8, 2017, at 12:00 p.m.**
4. Expert reports for any Government rebuttal experts regarding Mr. Reyes Garcia's fingerprint expert must be disclosed **by no later than Friday, September 15, 2017**.
5. Any *Daubert* motions related to Mr. Reyes Garcia's fingerprint expert or any Government rebuttal experts to Mr. Reyes Garcia's fingerprint expert are to be filed **by no later than Monday, September 18, 2017**. Any response or reply memoranda shall be filed according to Local Rule 7.1.
6. Any *Daubert* motions related to Mr. Reyes Garcia's fingerprint expert or any Government rebuttal experts to Mr. Reyes Garcia's fingerprint expert will be heard at the **October 10, 2017** pretrial conference.
7. All other expert disclosure deadlines and the general deadline for *Daubert* motions remain **UNCHANGED**. All other *Daubert* motions will be heard at the **August 29, 2017** Pretrial Conference.

IT IS SO ORDERED. The Clerk's Office is directed to enter this Order and provide copies to all counsel and the U.S. Probation Office.

DATED this 16th day of August 2017.

s/Edward F. Shea

EDWARD F. SHEA

Senior United States District Judge